



W.P(MD)No.19471 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.19471 of 2022

V.M.Thirunavukkarasu

... Petitioner

Vs.

1.The Government of India,
represented by its Secretary,
Ministry of Home Affairs,
2nd Floor, NDCC-II,
Jai Singh Road,
(Freedom Fighters Division),
New Delhi - 110001.

2.The Government of Tamil Nadu,
represented by its Secretary,
Public (General) Department,
Secretariat,
Chennai.

3.The District Collector,
Madurai District,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the
records relating to the impugned order passed by the 1st respondent in



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proceeding No.52/CC/TN/24/2018-FF(SZ)/C.F.No.3440247 dated 02.05.2022 and to quash the same as illegal and consequently direct the 1st respondent to grant the Central Government Swatntra Sainik Samman Pension to the petitioner.

For Petitioner : Mr.M.Pounraj
For Respondents : Mr.K.R.Laxman
Standing Counsel for R1
Mr.J.Ashok,
Additional Government Pleader
for R2 and R3

ORDER

The writ petition has been filed in the nature of a certiorarified mandamus seeking records of the first respondent dated 02.05.2022 and to interfere with the same and for a consequential direction to the first respondent to grant Central Government Swatntra Sainik Samman Pension to the petitioner.

2. The writ petition came up earlier on 13.04.2023 and this Court had passed the following order:

"One of the grounds on which the impugned order has been passed is as follows:

"1.State Government has not specifically recommended the case, but has simply forwarded the report of District



Collector mentioning therein "With regard to the NARC Certificate, it is certified that after due verification with the concerned authorities i.e., the District Collector of Madurai District having relevant records in support of the claim of the applicant and confirmed that the official records of the relevant time are not available."

2.The learned Additional Government Pleader may put to the State Government that they must specifically come to a conclusion with respect to their satisfaction, relating to the recommendation of the District Collector about the case of the petitioner.

3.The respondents may keep in mind that they are enjoying peace, only because of efforts and struggle undergone by the freedom fighters. For the sake of country, they spent their lives in Jail.

4.Let the second respondent act with that particular aspect in mind. That particular exercise must be done and let the second respondent apply his/her own mind on the recommendation of the District Collector and forward the same to this Court and mark a copy to the first respondent.

5.List the matter on 13.06.2023. "

3. Today, the learned Additional Government pleader had stated that the second respondent, Secretary to the Government Public (political pension-I Department) Secretariat, Chennai had passed a fresh order dated 25.05.2023 in



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letter No.e-4646678/PP1/2023-1 and had addressed the same to the first respondent.

4. Mr.K.R.Laxman, learned standing counsel appears for the first respondent. A request is placed that the learned standing counsel may inform the first respondent by forwarding a copy of this order of the second respondent also to the first respondent in his capacity as the Standing Counsel for the first respondent before this Court. Additionally, the petitioner may also comply with other requirements as sought in the impugned order and forward them to the first respondent. From the date on which all the documents are received by the first respondent, a time limit of six months is given to the first respondent to pass final orders, following due procedure and in the manner known to law.

5. Since the issue is to be considered by the first respondent, it may not be proper on the part of this Court to examine the issue raised by the petitioner on merits. That privilege vests with the first respondent. I am confident that appropriate order will be passed by the first respondent within the time limit stipulated.



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6. This Writ petitions stands disposed of. The learned counsel for the petitioner stated that copies of various documents alone are available. But if the first respondent requires any clarification, it would only be appropriate that notice is issued to the petitioner and if required, a personal hearing is granted or further representation may be sought for from the petitioner before final orders are passed. No costs. Consequently, connected miscellaneous petition stands dismissed.

13.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Secretary, Government of India, Ministry of Home Affairs,
2nd Floor, NDCC-II, Jai Singh Road, (Freedom Fighters Division),
New Delhi - 110001.
- 2.The Secretary. Government of Tamil Nadu, Public (General) Department,
Secretariat, Chennai.
- 3.The District Collector, Madurai District, Madurai.



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C.V.KARTHIKEYAN, J.

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